

HEALTH DEPARTMENT

The 28th/29th May, 1974

No. 4370-ASOI-HBII-74/16692.—In exercise of the powers conferred by sub-section (1) of Section 9 of the Prevention of Food Adulteration Act, 1954 (Parliament Act, 37 of 1954), read with rule 8 of the Prevention of Food Adulteration Rules, 1955, the Governor of Haryana hereby appoints the persons mentioned below from Serial No. 1 to 38 as food inspectors for the whole of the State of Haryana excepting Railway Stations and Railway Premises :—

Serial No.	Name and designation
1.	Shri Madan Lal Kapoor, Government Food Inspector.
2.	Shri J. R. Nayyar, Government Food Inspector.
3.	Shri Chuni Lal Grover, Government Food Inspector.
4.	Shri Raj Bhushan Sarwaria, Government Food Inspector.
5.	Shri Dev Raj Puri, Government Food Inspector.
6.	Shri Hakumat Rai Khanna, Government Food Inspector.
7.	Shri Mohinder Singh, Government Food Inspector.
8.	Shri Balwan Singh, Government Food Inspector.
9.	Shri Natha Singh, Tehsil Sanitary Inspector.
10.	Shri Harbhajan Singh, Tehsil Sanitary Inspector.
11.	Shri Harnarain Batra, Tehsil Sanitary Inspector.
12.	Shri Shankar Dass Gupta, Tehsil Sanitary Inspector.
13.	Shri Ramesh Chander Chopra, Tehsil Sanitary Inspector.
14.	Shri Santosh Kumar Singh, Tehsil Sanitary Inspector.
15.	Shri Moti Ram, Tehsil Sanitary Inspector.
16.	Shri Amar Nath Sharma, Tehsil Sanitary Inspector.
17.	Shri Manohar Lal Arora, Tehsil Sanitary Inspector.
18.	Shri Rameshwar Dass Goyal, Tehsil Sanitary Inspector.
19.	Shri Satbir Singh, Tehsil Sanitary Inspector.
20.	Shri Chuni Lal Sikkri, Tehsil Sanitary Inspector.
21.	Shri Piare Lal, Tehsil Sanitary Inspector.
22.	Shri Sohan Lal Chopra, Tehsil Sanitary Inspector.
23.	Shri Ram Chand Sharma, Tehsil Sanitary Inspector.
24.	Shri Ramesh Chand Arora, Tehsil Sanitary Inspector.
25.	Shri Ram Raji Jindal, Tehsil Sanitary Inspector.
26.	Shri Raj Kumar, Tehsil Sanitary Inspector.
27.	Shri Ram Lal Chawala, Tehsil Sanitary Inspector.
28.	Shri Om Parkash Kalra, Tehsil Sanitary Inspector.
29.	Shri Mahant Lal Wadhwa, Tehsil Sanitary Inspector.
30.	Shri Pishori Lal, Tehsil Sanitary Inspector.
31.	Shri Bahadur Chand Verma, Tehsil Sanitary Inspector.
32.	Shri Sat Pal Malik, Tehsil Sanitary Inspector.
33.	Shri Sant Lal Anand, Tehsil Sanitary Inspector.
34.	Shri Sham Lal Chhabra, Tehsil Sanitary Inspector.

Serial No.	Name and designation
35	Shri Sham Lal Verma, Tehsil Sanitary Inspector.
36	Shri Aslub Khan, Tehsil Sanitary Inspector.
37	Shri Varinder Singh, Tehsil Sanitary Inspector.
38	Shri Megh Nath, Tehsil Sanitary Inspector.

Further in exercise of the powers conferred by section 20 of the said Act, the Governor of Haryana hereby authorises the above mentioned food inspectors for the purposes of the said section.

M. SETH.

Commissioner and Secy,

LABOUR DEPARTMENT

The 30th May, 1974

No. 4577-4Lab-74/17818.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s. Hindustan Dowidat Tools Ltd., Jatheri, Sonapat.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 20 of 1973

between

SHRI NARAIN SINGH, SON OF SHRI PIRTHI SINGH AND THE MANAGEMENT OF M/S.
HINDUSTAN DOWIDAT TOOLS LTD., JATHERI (SONEPAT).

Present.—

Shri Narain Singh, workman concerned in person.

Shri C. M. Lal, for the management.

AWARD

By order No. ID/RK/64-C-72/101274-78, dated 13th March, 1973 of the Governor of Haryana, the following dispute between the management of M/s Hindustan Dowidat Tools Ltd., Jatheri (Sonapat) and its workman Shri Narain Singh was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Narain Singh, son of Shri Pirthi Singh was justified and in order? If not, to what relief is he entitled?"

On receipt of the order of reference, usual notices were given to the parties and they put in their respective written statements. The management took the plea that to start with he was appointed as a Trainee in the Plating Department with effect from 18th March, 1970 and then transferred to the Inspection Department with effect from 4th April, 1970 and was then put on probation with effect from 1st November, 1970 for a period of 6 months, which was further extended for another 6 months. It was further urged in the written statement that his work was not found to be satisfactory and his services were, therefore, terminated with effect from 3rd November, 1971 after the expiry of the period of probation.

On the other hand the workman contended that he had been in the regular employment of the management from 18th March, 1970 and his services were terminated wrongfully without any notice or charge-sheet with effect from 3rd March, 1971 without paying him any service compensation or notice pay. It was further alleged that persons junior to him were retained in service.

From the pleadings of the parties, the issue that arose for determination was precisely the same as per term of reference stated above.

Shri Narain Singh concerned workman has made his own statement and reiterated his claim as stated above. He has further deposed that he has not been gainfully employed anywhere during this period of forced un-employment in spite of efforts. In cross-examination he has denied having made his application for appointment, dated 18th March, 1970 Exhibit M. 1, another application, dated 4th April, 1970 that he was unable to work in the Plating Section Exhibit M.2, receipt of the warning, dated 4th February, 1971 Exhibit M. 3. He has also denied his signatures on the prescribed application form for appointment Exhibit M. 4 and the demand notice, dated 18th February, 1972 Exhibit M. 5.

On behalf of the management Shri U. C. Pant, Personal Officer has come into the witness-box and sworn testimony to the fact that this workman was appointed on probation for 6 months which was further extended by another 6 months in terms of the original letter of his appointment, but his work was not found to be upto the mark and his services were, therefore, terminated.

I have heard the workman and the learned representative of the management. From the evidence brought on record by the management, oral or documentary, it is established beyond any shadow of doubt that this workman was appointed on probation for 6 months which period was automatically extendable by another 6 months and since during this period his work was not found to be satisfactory, the management was within its rights to terminate his services. The order of termination does not show that it was passed by way of punishment or any stigma was attached to him. It was an order of termination simpliciter which the management was fully competent to pass in the context of the facts discussed above.

There is another aspect of important nature which deserves consideration here. The workman has denied having made the application for appointment which is on record as Exhibit M.1. He has also denied his signatures on the prescribed application form Exhibit M.4 and even on the demand notice, dated 18th February, 1972 Exhibit M.5. According to his own showing, the demand notice which is the basis of the present reference was never given by him and if his statement has to be believed there was no industrial dispute within the meaning of the law which could validly be referred for adjudication in the absence of any demand for reinstatement, payment of back wages etc., having been given by the workman concerned under his own signatures and not through any union. Shri M. S. Rath, Union Leader who had been appearing for him has not signed this demand notice nor has he filed any letter of authority to appear and conduct the case on behalf of the workman.

So judged from whatever angle, the workman concerned has no well founded claim to question the validity of the termination of his services by the management. The management on the other hand, has succeeded in establishing that he was only a probationer and his work having not been found to be satisfactory, his services had to be terminated. As already pointed out, the order of the termination of services of the workman has not been passed by way of punishment nor has any stigma been attached to him. He is, therefore, not competent to challenge this order of termination simpliciter.

For the reasons aforesaid, the issue is decided against the workman and in favour of the management and the termination of his services is held to be justified and in order, with the result that he is not entitled to any relief by way of reinstatement, re-employment or payment of back wages. The award is made accordingly. There shall be no order as to costs.

Dated 16th May, 1974.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1125, dated 18th May, 1974.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court Haryana,
Rohtak.

No. 4568-4-Lab-74/17833.- In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act, No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Bata Shoe Co., (P) Ltd., Now Bata India Ltd., Faridabad.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 133 of 1970

between

Shri Surinder Kumar and the management of M/s Bata Shoe Company (P) Ltd., now Bata India Ltd., Faridabad.

Present.—

Shri Darshan Singh, for the workman.

Shri A. N. Pareekh with Shri L.K. Narain, for the management.

AWARD

Shri Surinder Kumar concerned workman was in the service of M/s Bata Shoe Company (P) Ltd., now Bata India Ltd., Faridabad as a worker since 1963. The management dismissed him from service with effect from 5th August, 1966 allegedly on a charge of mis-conduct and after holding domestic enquiry. Feeling aggrieved, he raised a dispute for reinstatement and payment of back wages but without success. Conciliation proceedings were initiated by means of demand notice dated 16th August, 1966 which also ended in failure.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred the dispute for adjudication to this court,—vide order No. 6091-E-Lab-70/22387, dated 31st July, 1970, with the following term of reference.

“Whether the termination of services of Shri Surinder Kumar was justified and in order? If not, to what relief is he entitled?”

The parties put in their pleadings. In the statements of claim filed on behalf of the workman on 17th April, 1967, it was alleged that the charges levelled against the workman were baseless and the Personnel Officer who had given the charge-sheet and dismissed the workman was not competent to do so in accordance with the certified Standing Orders of the Company. It was further alleged that no proper enquiry had been held and Shri I. L. Sardana was not competent to hold the enquiry against the workman as per the Certified Standing Orders for the Company.

The management controverted the above allegations of the workman and contested his claim for reinstatement and payment of back wages pleading *inter alia* that a Grievance Procedure was provided in the Certified Standing Orders of the Company which had not been followed by the workman concerned and, therefore, his claim was pre-mature and the reference was bad in law. In his replication, the workman refuted the pleas raised on behalf of the management and stated that the aforesaid objections which had not been taken in conciliation proceedings could not be raised in the present proceedings.

From the pleadings of the parties, my learned predecessor framed the following eight issues.

1. Whether the reference is not valid because no demand was made by and/or on behalf of the claimant Shri S. K. Bhatia for reinstatement or any other relief?
2. Whether the claim of the workman is premature?
3. Whether the aforesaid objections can be taken at this stage because there objections were not taken at the time when the dispute was first referred for adjudication?
4. Whether Shri Darshan Singh, General Secretary, Industrial Workers Union has no right to represent the claimant Shri S.K. Bhatia?
5. Whether the dismissal of the workman has been subsequently ratified by the Board of Directors of the respondent management and for this reason the order of dismissal is legal?
6. Whether Shri Sardana was fully authorised to conduct the enquiry?
7. Whether the applicant can not object to competency of Shri Sardana to conduct the enquiry because no objection was taken during the course of the enquiry?
8. Whether the dismissal of Shri S.K. Bhatia was justified and in order? If not, to what relief/exact quantum of compensation he is entitled?

The management has placed on record the enquiry proceedings and examined Shri L.K. Narain, Personnel Officer, M.W. 1. The workman himself came into the witness-box and produced six documents consisting of the correspondence exchanged between him and the management.

Arguments have been addressed on both sides. Shri Darshan Singh who represents the workman concerned has also filed written arguments although his locus standi to appear on behalf of the workman concerned has been challenged by the management and this objection has been brought under issue No. 4.

As already pointed out, the management has challenged the very validity of the reference on the grounds that the Certified Standing Orders of the Company which form the contract of service of the workman concerned and by which they are all governed provides the Grievance Procedure before any dispute can be taken to the court, the contention is not without force. A printed copy of the Certified Standing Orders and Rules of the Company has been placed on record. There is no denying the fact, that the workman in the factory are governed by these

orders and rules in the matter of their service conditions. Order No. 32 of the Certified Standing Orders provides the Grievance Procedure which may usefully be re-produced below :—

"If a workman desires to dispute or feels dissatisfied from any order passed against him by the Company or by the Personnel Welfare Officer under these standing Orders and Rules other than in respect of an order arising out of any complaint made by him the following procedure will be adopted :—

- (a) The workman will be entitled to appeal in writing to the Works Committee, if in existence with five days of receipt of such order. If the Works Committee arrives at any unanimous decision it will make a recommendation to the Company to implement such unanimous recommendations which decision will be binding on the workman and no further appeal shall lie.
- (b) If, however, no unanimous recommendation could be made by the Works Committee, in that event the workman will be entitled to appeal to the Chairman of the Company within one month from the receipt of the intimation from the Works Committee. On receipt of the Chairmans' decision, if the workman still feels dissatisfied, in that event within one month from the date of receipt of decision of the Chairman he, through his union, would be entitled to take recourse to such remedy as may be available under the Industrial Disputes Act, 1947, to redress his grievance".

Manifestly, this procedure was not adopted by the workman concerned before raising the demand and taking up the matter for conciliation. From a careful reading of the aforesaid provision of order No. 32 describing the Grievance Procedure to be adopted by the workman. I have no doubt whatever in concluding that without adopting this procedure the dispute could not be raised within the meaning of the Industrial Disputes Act, 1947 to seek redress of the grievance or grievances by the workman concerned. In other words, the present dispute as raised by the workman concerned in disregard of the aforesaid provisions of the Certified Standing Order, which are of mandatory nature, is premature and the reference of the same by the State Government for adjudication to this court is bad in law and without jurisdiction for the simple and obvious reason that the workman had not complied with the requirements of the provisions of the Certified Standing Orders by which he was governed. That disposes of issues Nos 1 and 2. The learned representative of the workman has not been able to satisfy me to the contrary. The issues are accordingly held against him and in favour of the management.

In view of my above findings on issues Nos. 1 and 2, it is not necessary to go into the other issues involved in the case as the reference itself being invalid and without jurisdiction, this court can not go into the merits of the case.

The award, is, therefore, accordingly made holding the dispute to be premature and the reference as bad in law and without jurisdiction and the same shall consequently stand rejected for the reasons given above. In the circumstances, there shall be no order as to costs.

The 9th May, 1974.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1119, dated 17th May, 1974.

Forwarded (four copies) to the Secretary Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O.P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

S. N. BHANOT,
Commissioner for Labour and Employment
and Secretary to Government, Haryana.

REVENUE DEPARTMENT

The 3rd June, 1974

No. 981-Admn-I-74/851.—On the expiry of three months' notice of retirement served under rule 5.32(c) of the Punjab Civil Services Rules, Vol. II on Shri Balwant Singh Gill, Superintendent, Financial Commissioner's Office, Haryana, on the 4th March, 1974 (afternoon), the Governor of Haryana is pleased to retire him from Government Service with effect from the forenoon of the 4th June, 1974.

S. D. BHAMBRI,
Financial Commissioner and Secretary.